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FISCAL IMPACT STATEMENT

LS 6774

BILL NUMBER: HB 1106

NOTE PREPARED: Jan 13, 2010

BILL AMENDED: Jan 11, 2010

SUBJECT: Provisional Ballots; Vote Centers; Satellite Offices.

FIRST AUTHOR: Rep. Battles

FIRST SPONSOR:

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Inspection of Provisional Ballot Materials*- The bill requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. The bill provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential.

Absentee Voting- The bill permits a voter who is qualified to vote in person to vote by absentee ballot. The bill removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.)

Explanation of Provisional Ballot- The bill requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. The bill requires the Election Commission (EC) to prescribe the form of the explanation.

Circuit Court Clerk Notification- The bill requires the circuit court clerk (clerk) of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order

to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot.

Mailing of Notices- The bill requires that the notice be sent by first class United States mail or given by another method that the clerk determines will provide actual notice to the voter. The bill requires that the notice must be in a form prescribed by the EC. The bill provides that a person required to give notice to a voter relating to the voter's provisional ballot who knowingly or intentionally fails to do so commits a Class C infraction.

List of Provisional Voters- The bill requires the county election board (CEB) to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request.

Public Access to Provisional Voting- The bill requires the clerk and the Secretary of State (SOS) to compile and make public certain information about provisional voting.

Satellite Offices Without Unanimous CEB Approval- The bill removes the requirement that a CEB may establish satellite offices only by the unanimous vote of the CEB's members.

Vote Centers- The bill extends the expiration date of the vote center pilot project to December 31, 2013. The bill requires a pilot vote center county (VCC) to establish at least one satellite office for absentee voting. The bill requires the CEB of a VCC to provide preliminary election results, broken down by precinct, not later than noon the day after election day. The bill requires that a county's vote center plan must incorporate certain elements.

Reimbursement of Local Election Expenses by State- The bill allows a county to seek reimbursement from the Election Division (ED) for expenses incurred in complying with provisions concerning notices given to voters casting provisional or absentee ballots, establishing at least one satellite office in a vote center pilot county, preparing lists of provisional voters, and preparing reports to the SOS concerning provisional ballots.

Effective Date: July 1, 2010; January 1, 2011.

Explanation of State Expenditures: *Explanation of Provisional Ballot-* The EC would be able to prescribe an affidavit and notice forms within the course of a regular business meeting. If completely accessible electronically, the ED would have minimal, if any, expenditures from printing the affidavit and notice forms.

Public Access to Provisional Voting- This provision should present a negligible impact to the SOS. The SOS currently provides the number of provisional ballots cast and counted. (The most recent available provisional counts are from the 2008 general election.)

(Revised) *Reimbursement of Local Election Expenses by State-* Any additional expenditures that would be made under this provision would depend on the funds available. This provision does not provide an appropriation to cover local reimbursement requests. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Background- The ED was appropriated \$897,752 by the General Assembly for FY 2011.

Explanation of State Revenues: *Mailing of Notices- Penalty Provision:* The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: *Absentee Voting-* County election boards, particularly counties with direct recording electronic voting systems, would require additional paper ballots for voters choosing to vote absentee. Therefore, this provision would increase election board ballot expenditures. Additional local expenditures would depend on the number of additional ballots ordered by counties in future elections.

Explanation of Provisional Ballot- This provision should minimally impact precinct or absentee voter board expenditures.

Mailing of Notices- Clerks could choose to mail notices to persons casting a provisional ballot. If notices were mailed at the standard first class postage rate, the cost could range from \$0.27 (postcard) to \$0.44 (letter) per notice depending on the size of the form.

List of Provisional Voters- If not already compiled, county election boards would be able to compile the required information with negligible expense.

Public Access to Provisional Voting- Circuit court clerks would be able to compile and prepare for public display provisional ballot information within existing resources.

Vote Centers and Absentee Ballots- Counties with vote centers may need to have extra absentee ballots on hand. This provision should have a minimal impact to local expenditures.

Satellite Offices Without Unanimous CEB Approval- The impact of this provision is indeterminable and would depend on CEB action. The provision could make it easier for counties to establish satellite offices. Expenditures for satellite offices could include facility rental, payment of staffing personnel, and ballot printing costs.

Vote Center Expiration Date- Extension of the date of expiration by three years could increase the number of counties that enter vote center status. The impact of this provision is indeterminable and would depend on local action. [Marion County which does not have vote centers had two satellite offices during the 2008 general election with total expenditures of approximately \$112,000.] Tippecanoe also has had satellite offices in recent past elections.

Background Information:

Absentee Voters- The statewide total absentee voting percentage was 24% in the 2008 general, 11% in the 2008 primary, and 10% in the 2006 general elections.

Vote Center Costs- Tippecanoe County paid their vote center inspectors \$170 per day during the 2007 election, partially to include increased training time (four hours), versus \$160 for a conventional election. Two of the larger expenditures for Tippecanoe County included \$10,750 for electronic polling software and mailing voter postcards at \$12,465.

Explanation of Local Revenues: *Mailing of Notices- Penalty Provision:* If additional court actions are filed

and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

(Revised) *Reimbursement of Local Election Expenses by State-* Local revenues could increase by an indeterminable amount depending on the amount of funds available for the ED to reimburse local governments.

State Agencies Affected: Election Commission, Election Division.

Local Agencies Affected: Precinct election boards, absentee voter boards, circuit court clerks, county election boards; trial courts, local law enforcement agencies.

Information Sources: Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*; Indiana Office of Secretary of State (Election Division); Linda Phillips, Tippecanoe County Circuit Court Clerk; Angie Nesmeyer, Marion County Election Board; 327-5100.

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